

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND
COMPOUNDING PHARMACY, INC.
PRODUCT LIABILITY LITIGATION

THIS DOCUMENT RELATES TO:

*Mattila v. New England Compounding
Pharmacy, Inc.*
Case No. 1:13-cv-10430

MDL No. 13-2419-RWZ-JCB

**UNOPPOSED MOTION TO RESET HEARING
ON PLAINTIFF MILDA MATTILA’S MOTION FOR EQUITABLE AND/OR
DECLARATORY RELIEF REGARDING OUTSTANDING MEDICARE LIEN**

The United States, on behalf of the U.S. Department of Health and Human Services (“HHS”) and its Centers for Medicare & Medicaid Services (“CMS”), respectfully moves this Court to reset the hearing on Plaintiff Milda Mattila’s Motion for Equitable and/or Declaratory Relief Regarding Outstanding Medicare Lien, ECF No. 3566 (hereinafter “Motion”). The Motion currently is set for hearing on April 13, 2022, at 2:30 p.m. ECF No. 3573. For the reasons that follow, the United States requests that the hearing be continued by 21 days, to May 4, 2022, or such later date as the Court deems appropriate.

This is the United States’ second request to reschedule this hearing and the request is supported by good cause. As indicated in my prior request, the United States is considering filing a statement of interest under 28 U.S.C. § 517, which permits the Attorney General to attend to the interests of the United States in any case pending in a federal court. I had also intended to participate in the hearing on the Motion to represent the United States’ interests in the matter. Unfortunately I will no longer be able to attend the hearing next week. Yesterday, on April 6, 2022, my husband tested positive for COVID. I respectfully request a short

continuance of the hearing to allow me to care for my dependent children while my husband recovers and to test and quarantine myself before traveling to participate in the hearing. I am not yet certain how much time I will need before I am able to travel again but believe a three week extension will suffice.

For these reasons, the United States respectfully requests that the hearing on the Motion be reset to May 4, 2022, or such later date as the Court deems appropriate. Counsel for the United States has conferred with Plaintiff Mattila's counsel, who does not object to the requested continuance. A proposed order granting the continuance is attached hereto.

Dated: April 7, 2022

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

/s/ Bethany Theriot
RUTH A. HARVEY
Director
KEVIN P. VANLANDINGHAM
Assistant Director
BETHANY THERIOT, D.C. Bar 1022065
Trial Attorney
U.S. Department of Justice, Civil Division
1100 L Street NW, Room 7028
Washington, D.C. 20005
Tel: (202) 307-0244
Email: Bethany.Theriot@usdoj.gov

Attorneys for the United States

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document will be served through the ECF system upon each attorney of record who is a registered participant as identified on the Notice of Electronic Filing (NEF).

Dated: April 7, 2022

By: /s/ Bethany Theriot
BETHANY THERIOT